

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 26

Special Meeting

August 15, 2005

Town Board Minutes

August 15, 2005

Meeting No. 26

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 15th day of August 2005, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT: MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for the purpose of one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
HONDA POWER & AUTO AUCTION FACILITY
SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Honda Power & Auto Auction Facility site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
HONDA POWER & AUTO AUCTION FACILITY
SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 28.0± acres.

The location of the premises being reviewed is on the north side of Walden Avenue, east of Pavement Road and west of Ward Road, Town of Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - Construction on land where the depth to the water table ranges from .75 feet to 1.75 feet.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
 - Pesticide or herbicide will be applied for lawn care purposes.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or palcontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
 - There will be an increase in demand for police & fire services.
 - There will be an increase in employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

August 15, 2005

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

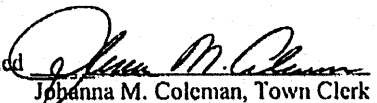
August 15, 2005

ADJOURNMENT:

**ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND
SECONDED BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE
MEETING, which resulted as follows:**

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The meeting was adjourned at 6:58 P.M.

Signed 
Johanna M. Coleman, Town Clerk




Town Board Minutes

**Meeting
No. 27**



Regular Meeting

August 15, 2005



Town Board Minutes

August 15, 2005

Meeting No. 27

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15th day of August at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
RICCARDO ZUPPELLI, CAPTAIN, POLICE DEPARTMENT
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO, to deliberate in Executive Session for the announced purpose of discussing a contract regarding the Central Avenue bridge reconstruction and for discussing a particular personnel matter which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 10:20 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- out of district sewer user

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- school tax rates & tax levy
- condominium property tax legislation

Halter Brent, 641 Harris Hill Road, spoke to the Town Board on the following matter:

- Clover Development's proposed senior apartment complex on Bradley Drive

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- drainage work being done behind his residence
- signs at Mini Mart on Aurora Street & William Street

Breski, Amy, 652 Harris Hill Road, spoke to the Town Board on the following matter:

- proposed senior apartment complex on Bradley Drive

Davis, Brian, 635 Harris Hill Road, spoke to the Town Board on the following matter:

- proposed senior apartment complex on Bradley Drive

Mau, Ed, 635 Harris Hill Road, spoke to the Town Board on the following matter:

- proposed senior apartment complex on Bradley Drive

Poss, Linda, 1 Bradley Drive, spoke to the Town Board on the following matter:

- proposed senior apartment complex on Bradley Drive

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & traffic Ordinance of the Town of Lancaster for stop & yield signs within Woodgate & Whispering Pines Subdivisions.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
NONE		

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:31 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

August 15, 2005

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 1, 2005 and the Regular Meeting of the Town Board held August 1, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATAURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Marrano/ Marc Equity Corporation, has requested that the Town Board approve an excavation permit for the purpose of excavating topsoil for purposes of land balancing at Summerfield Farms Subdivision, Phase 4, and

WHEREAS, the applicant has submitted its Notice of Intent (NOI) to the Department of Conservation and Environment (DEC) together with its Storm Water Pollution Prevention Plan, and

WHEREAS, the applicant has further met with the US Army Corp of Engineers (USACOE) regarding the development of a mitigation plan for the disturbance of the federal jurisdictional wetlands which occur in this Phase 4, and

WHEREAS, the applicant has advised the Board in its request for the excavation permit that it will flag the federal jurisdictional wetlands in compliance with directives of USACOE to insure that the federal wetlands are not disturbed during the stripping and clearing activities which they will undertake by virtue of the granting of an excavation permit;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the issuance of an excavation permit to Marrano/Marc Equity Corporation for the purpose of stripping and clearing activities on Summerfield Farms Subdivision, Phase 4 with the condition that the identified federal wetlands on site be flagged and not disturbed during the activity carried out by the developer pursuant to this permit.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

File: rsummerfieldfarmsexcavation805

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of August, 2005
for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the
Town of Lancaster and persons for and against such amendment have had an opportunity to be
heard, and

WHEREAS, a Notice of said Public Hearing was duly published and
posted:

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of
the Town of Lancaster be amended in the form attached hereto
and made a part hereof;
2. That said amendment be added in the minutes of the meeting of
the Town Board of the Town of Lancaster held on August 15,
2005;
3. That a Certified Copy thereof be published in the Lancaster Bee
on August 18, 2005;
4. That a Certified Copy of the amendment be posted on the Town
Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town
Clerk;
6. That the Highway Superintendent take whatever action is
necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005
File: rvtordchpt46stopsigns705a

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS
46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

WOODGATE SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Woodgate Drive	Old Post Road	N.E. Corner
Woodgate Drive	Old Post Road	S.W. Corner

and

WHISPERING PINES SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Americo Court	Aurora Street	N.E. Corner

August 15, 2005

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 15th day of August, 2005, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 15th day of August, 2005.

Johanna M. Coleman, Town Clerk

File: rvtordchpt46stopsigns705a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Country Club Gardens Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 602, 603, 604, and 605 of Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York, for the installation of:

P.I.P. No. 602 (Pavement & Curb)	Country Club Gardens on Sawgrass Lane and Muirfield Lane, 85,120± S.F. of pavement (28' wide) w/12" subbase, 4" NYSDOT Type 1 base, 2" NYSDOT Type 3 binder, 1" NYSDOT Type 7 Top, 6,100± L.F. of 6" P.H. D.P.E. (perforated) underdrain, 6,050± L.F. of 20" Type "BB" conc. curbing, 350± L.F. of 24" upright conc. island curbing, 1,420± S.F. of conc. sidewalk (inside island)
P.I.P. No. 603 (Detention Basin)	Country Club Gardens on Sawgrass Lane and Muirfield Lane - (2) detention basins, 29± LF - 30" H.D.P.E., 18± LF - 24" H.D.P.E., 20± LF - 12" H.D.P.E., 55± LF - 6" P.V.C., 1 3x3' outfall struct., 1 4'x2' outfall structure.
P.I.P. No.604 (Storm Sewer & Rear Yard Drainage)	Country Club Gardens on Sawgrass Lane and Muirfield Lane; 129± L.F. - 48" H.D.P.E., 694± L.F. 24" H.D.P.E., 402± L.F. 18" H.D.P.E., 391± L.F. 15" H.D.P.E., 2,630± L.F. 12" H.D.P.E., 1,431± L.F. 10" H.D.P.E., 923± L.F. 8" H.D.P.E., 259± L.F. 6" H.D.P.E., 90± L.F. (6'x4' conc. box culv), 139± L.F. prop.ry. swale, 14 ea. 48" dia. man., 16 ea. std. rd. rec., 23 ea. light duty rec., 26 ea. backyard rec., 1 ea. 10' dia. man., 1 ea. 8' dia. man, 2 sed. chambers (1-10R, 1-12R) and all the necessary erosion control items as called out on shts. 21 & 22 of 22.
P.I.P. No. 605 (Water Line)	Country Club Gardens on Sawgrass Lane and Muirfield Lane; 2,840± L.F. 8" PVC (C-900) waterline, 65± L.F. 8" D.I.P. (Class 52) waterline, 2 - 12"x8" Tapping sleeve and valve assemblies, (4) 8" line valve assemblies, (5) hydrant assemblies, (1) - 2" blow-off assembly.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, there is presently an out-of-district sewer agreement between the Town of Lancaster and the Town of Alden to provide that 1284 and 1286 Town Line Road, Lancaster, New York owned by L. Bruce Klingelsmith shall have sewer taps into the Alden Sewer District No. 4 for sanitary sewer service, and

WHEREAS, the Town of Alden has encountered difficulties under the terms of the original agreement in collecting the sewer taxes on these properties, and

WHEREAS, the Town of Alden has asked that the intermunicipal sewer service agreement be amended so that the Town of Lancaster places the sewer tax computed by the Town of Alden on 1284 and 1286 Town Line Road, respectively, on the County tax bill each year, and

WHEREAS, the Town Board of the Town of Lancaster deems it appropriate and in the public interest to comply with the request of the Town of Alden;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an amended intermunicipal sewer service agreement for the property at 1284 and 1286 Town Line Road, Lancaster, New York which agreement provides that upon notice by the Town of Alden of the sewer tax to be imposed on the beforementioned properties which lie within the Town of Lancaster and are serviced by the Town of Alden Sewer District No. 4 as out-of-district customers, the Town of Lancaster shall thereafter place the annual charge as established by the Town of Alden Sewer District No. 4 and any fees required of the Erie County Water Authority on the out-of-district customers on the respective County/Town tax bill for 1284 and 1286 Town Line Road situate in the Town of Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the New York State Thruway Authority (NYSTA) is a public benefit corporation organized under the laws of the State of New York, whose three commissioners are appointed by the Governor, and

WHEREAS, in the immediate Buffalo area the NYSTA maintains toll barriers at the Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden Street/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges, and

WHEREAS, these beforementioned toll barriers act as a commuter tax on persons residing in the Buffalo area and are an added tax on commerce in the Buffalo metropolitan area which has not only immediate monetary ramifications for intrastate and interstate travel into and out of the various areas of Western New York but also causes undue delay to commercial traffic which has an adverse impact upon operational and financial aspects of commerce, and

WHEREAS, if the NYSTA and the Governor are not inclined to eliminate these toll barriers because of some misguided idea that commuters in the Buffalo area should have to pay for these highways then they should at least recognize the detrimental impact these toll barriers pose to intrastate and interstate commerce which by slowing down commercial traffic causes undue delay in the shipment of goods, increases the amount of fuel consumed, adversely affects air quality in the Buffalo area, and, is viewed as one more "hidden tax" which can negatively impact the way the Buffalo area and the State of New York are viewed by out of area businesses which might otherwise choose to locate here, and

WHEREAS, the Western New York area shares an extremely busy front point with commerce moving to and from the Province of Ontario, Canada and it being critical to assist in the movement of commerce between our two nations and for the State of New York to fulfill its role in improving the flow of commerce which can have a defined positive impact on the economy of the Niagara Frontier, and

WHEREAS, the Town Board of the Town of Lancaster desires to make public its opposition to the continuation of tolls at the Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden Street/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes the Governor and the Commissioners of the New York State Thruway Authority to remove the toll barriers at Williamsville, Depew, Lackawanna, Blasdell, Hamburg, Ogden Street/Buffalo City Line, Black Rock and both the North and South Grand Island Bridges which removal will afford the easier passage of commerce and commuters through the Western New York area which in turn will be beneficial to the economy of Western New York and New York State as a whole, and

BE IT FURTHER

RESOLVED, that certified copies of this resolution be transmitted to Governor George Pataki, Senator Dale Volker, Senator Mary Lou Rath, Assemblywoman Sandra Lee Wirth, Erie County Executive Joel Giambra, Erie County Legislature Chairman George Holt, New York State Senate Majority Leader Joseph Bruno, Honorable William Stachowski, Honorable Dale Volker, Honorable Byron W. Brown, Honorable Mary Lou Rath, New York State Assembly Speaker Sheldon Silver, Honorable Robin Schimminger, Honorable Crystal Peoples, Honorable Sandra Lee Wirth, Honorable Paul Tokasz, Honorable Samuel Hoyt, Honorable Mark Schroeder, Honorable Jack Quinn, Honorable James Hayes, New York State Thruway Authority Executive Director John R. Platt, Chairman of the NYSTA John Buono and Executive Director of the Greater Buffalo Niagara Regional Transportation Council Hal Morse.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

File: rnewyorkstatetolls805

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster, by letter dated August 11, 2005, has requested the appointment of Kathleen S. Pumm to the Civil Service position of Clerk, Full Time in the Supervisor's Office, and

WHEREAS, Kathleen S. Pumm currently is positioned on the Erie County Civil Service list of candidates eligible for appointment to the position of Clerk.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Kathleen S. Pumm, 20 Grace Way, Lancaster, New York 14086, be and is hereby appointed to the Civil Service Position of Clerk, Full Time in the Supervisor's Office of the Town of Lancaster.
2. That the salary and benefits for this position are in accordance with the collective bargaining agreement between the Town of Lancaster and the C.S.E.A. White Collar unit
3. That this appointment shall take effect August 26, 2005.
4. That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 16708 to Claim No. 17042 Inclusive

Total amount hereby authorized to be paid: \$530,253.22

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

13120	Anastasi Trucking	4430 Walden Ave	Er. Comm. Alt.	
13121	Curtis, Daniel	732 Aurora St	Er. Res. Alt.	
13122	Curtis, Daniel	732 Aurora St	Er. Shed	
13123	Rich Pools	13 Thomas Dr	Er. Pool-Abv Gmd	
13124	Avalon Services	1159 Ransom Rd	Er. Pool-Abv Gmd	
13125	Harf, John	6342 Broadway	Er. Garage	
13126	Reardon, Daniel	85 Grant St	Er. Fence	(V/L)
13127	Michael, Frank	148 Schwartz Rd	Er. Deck	
13128	Berkich, Michael	77 Banner Ave	Er. Fence	(V/L)
13129	Federal Fence	60 Christen Ct	Er. Fence	(V/L)
13130	Premier Fence	35 Bentley Cir	Er. Fence	
13131	Bly, Timothy	581 Ransom Rd	Er. Dwlg.-Sin.	
13132	Town of Lancaster IDA	2655 Wehrle Dr	Er. Sign-Temp	
13133	Aftermath Restoration	2068 Como Park Blvd	Er. Res. Alt.	(V/L)
13134	Dulkiewicz, Chad	146 Irwinwood Rd	Er. Deck	(V/L)
13135	Expert Fence Co Inc	7 Clermont Ct	Er. Fence	
13136	Bologna, Joseph	55 Nichter Rd	Er. Dwlg.-Sin.	
13137	City Fence Inc	38 Stone Hedge Dr	Er. Fence	
13138	Smith, Ronald	51 Woodlawn Ave	Er. Res. Alt.	(V/L)
13139	Trzybinski, Joseph	6394 Broadway	Er. Res. Add.	
13140	Green, Cynthia	7 Division St	Er. Res. Add.	
13141	Kicak, John	390 Central Ave	Er. Fence	
13142	J Gun Enterprises Inc	15 Nottingham Ln	Er. Pool-Abv Gmd	
13143	Shepard, Mark	20 Windsor Ridge Dr	Er. Shed	
13144	Dymond Enterprises	8 Candlestick Ct	Er. Pool-Abv Gmd	
13145	Iroquois Fence Inc	15 Nottingham Ln	Er. Fence	
13146	Cortese Builders	2 Chestnut Corner	Er. Res. Add.	
13147	Duro-Shed Inc	41 Meadow Lea Dr	Er. Shed	
13148	Schierer, Timothy	21 Caswell St	Er. Deck	(V/L)
13149	Knott, Barbara	40 Fox Hunt Rd	Er. Shed	

13150	Kozlowski, Richard	5059 William St	Er. Shed	
13151	Smith, Stephen	91 Newberry Ln	Er. Deck	
13152	Adler, Donald	642 Aurora St	Er. Garage	
13153	Essex Homes	23 Americo Ct	Er. Dwlg.-Sin.	
13154	Essex Homes	30 Americo Ct	Er. Dwlg.-Sin.	
13155	Crist Contracting	1127 Penora St	Er. Res. Add.	
13156	Dutka, Samuel	37 Parkside Dr	Er. Res. Alt.	(V/L)
13157	Schuster Const.	40 Grant St	Er. Res. Add.	(V/L)
13158	Schuster Const.	40 Grant St	Er. Res. Plumbing	(V/L)
13159	Forbes Homes LLC	11 Valley Overlook	Er. Dwlg.-Sin.	
13160	Velez, Gilbert	140 Nathan's Trl	Er. Deck	
13161	Marcussen, Jon	36 Michael's Walk	Er. Shed	
13162	Marrano/Marc Equity	18 Avian Way	Er. Dwlg.-Sin.	
13163	Marrano/Marc Equity	33 Ashwood Ct	Er. Dwlg.-Sin.	
13164	Majestic Pools Inc	2219 Como Park	Er. Fence	(V/L)
13165	Majestic Pools Inc	2219 Como Park	Er. Pool-In Grnd	(V/L)
13166	Wallshauser, David	16 Butler Dr	Er. Fence	
13167	Syracuse, Christopher	15 Nottingham Ln	Er. Deck	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 15, 2005

File: Rbldg2

COMMUNICATIONS & REPORTS:

400. Highway Superintendent to Planning Board Chairman -
Comments and recommendations regarding site plan for Pleasant Meadows
Subdivision. DISPOSITION = Planning Committee
401. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding proposed Pleasant Meadows Patio Homes.
DISPOSITION = Planning Committee
402. Erie County Department of Environment & Planning, Division of Sewerage
Management to Town Attorney -
Comments regarding proposed Larkspur East Patio Homes. DISPOSITION =
Planning Committee
403. Erie County Department of Environment & Planning, Division of Sewerage
Management to Town Attorney -
Comments regarding proposed Honda Power Center and Auto Auction, Walden
Avenue. DISPOSITION = Planning Committee
404. Linguine's Italian Restaurant Inc. to Town Clerk -
Advisement of application for liquor license renewal. DISPOSITION = Town
Attorney
405. Town Engineer to Town Board -
Recommend acceptance of Public Improvements at Windsor Ridge Subdivision,
Phases V(a) and V(b); street lights. DISPOSITION = For Resolution
406. NYS DEC to Town Attorney -
Notification of Lead Agency Designation regarding proposed Honda Power Center
and Auto Auction, Walden Avenue; comments and concerns noted. DISPOSITION =
Planning Committee
407. Town of Collins to Town Board -
Transmittal of resolution regarding NYS Thruway tolls and toll barriers in Western
New York. DISPOSITION = Resolution 8/15/05
408. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held Wednesday, August 10, 2005, 9:30 AM in Buffalo.
DISPOSITION = Received & Filed
409. NYS DOT to Supervisor -
Transmittal of "Notice of Preferred Alternative and Availability of Finding of No
Significant Impact" regarding proposed Transit Road reconstruction from Aero Drive
to Main Street. DISPOSITION = Received & Filed
410. Town Clerk to Town Board -
Transmittal of Clerk's Monthly Report for July 2005. DISPOSITION = Received &
Filed
411. NYS State Board of Real Property Services to Supervisor -
Notice of final State equalization rate for the town. DISPOSITION = Received &
Filed
412. Lancaster Town Band to Town Board -
Letter of appreciation to Town for support of 2005 summer season. DISPOSITION =
Received & Filed
413. NYS DOT to Town Clerk -
Transmittal of Final Design Report/Environmental Assessment regarding proposed
Transit Road reconstruction from Aero Drive to Main Street. DISPOSITION =
Received & Filed

414. NYS DOT to Town Attorney -
Notification of Lead Agency Designation regarding site plan application for proposed Honda Power Center & Auto Auction, 4303 Walden Avenue; comments noted.
DISPOSITION = Planning Committee
415. Erie County Department of Environment & Planning to Wm. Schutt & Associates, P.C. -
Response to inquiry regarding sewer capacity for proposed Honda Power Center.
DISPOSITION = Planning Committee
416. Town Attorney to Town Board, Planning Board -
Notice of SEQR meeting to be held Monday, August 15, 2005, 6:30 PM regarding proposed Honda Power Center & Auto Auction, Walden Avenue. DISPOSITION = Received & Filed
417. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, August 15, 2005, 6:30 PM regarding proposed Honda Power Center & Auto Auction, Walden Avenue. DISPOSITION = Received & Filed
418. Patricia C. Jemiolo, Bernard T. Jemiolo to Supervisor -
Letter opposing proposed Senior Living Complex, Bradley Road. DISPOSITION = Planning Committee
419. Town of Clarence to NYS Governor George Pataki, Public Service Commission Chairman William S. Flynn -
Letter regarding Home Rule Protection for municipal cable franchising.
DISPOSITION = Received & Filed
420. Town Clerk to Town Board -
Transmittal of final report of 2005 County/Town tax collection. DISPOSITION = Received & Filed
421. General Crew Chief to Planning Board, Council Members Montour, Ruffino, Stempniak -
Notice of approval from Town Forestry Department regarding landscape plan for Progressive Insurance Claim Center; request for tree removal regarding landscape plan for Enterprise Car Rental. DISPOSITION = Planning Committee
422. Public Employers Risk Management Association to Town Safety Coordinator -
Transmittal of Loss Control Evaluation. DISPOSITION = Received & Filed
423. Village of Lancaster to Town Board -
Minutes of meeting held July 11, 2005. DISPOSITION = Received & Filed
424. Supervisor to Town Board -
Request appointment of Ms. Kathleen S. Pumm Clerk, full-time. DISPOSITION = Resolution 8/15/05
425. Lancaster Depew Soccer Club to Supervisor -
Letter of appreciation for the Recreation Department's support during past season.
DISPOSITION = Received & Filed
426. Allen R. Wierzbicki, Claudine J. Wierzbicki to Town Board -
Letter opposing proposed Senior Living Complex, Bradley Road. DISPOSITION = Planning Committee
427. Lancaster Central School District Webpage to Town Board -
Notice of adopted tax rate for 2005-2006. DISPOSITION = Received & Filed
428. Town Engineer to Town Board -
Recommend acceptance of Public Improvements at Michael's Landing Subdivision Phase III; Storm Sewer, Pavement & Curb, and Water Line. DISPOSITION = For Resolution
429. Erie County Department of Public Works to Town Attorney -
Notification of Lead Agency designation regarding proposed Tim Horton Restaurant, 6687 Transit Road. DISPOSITION = Planning Committee


430. NYS DEC to Town Attorney -

Notification of Lead Agency designation regarding Larkspur East Patio Homes;
concerns noted. DISPOSITION = Planning Committee

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL
MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 10:20 P.M.**

Signed



Johanna M. Coleman, Town Clerk